

112(j), Boiler, Brick & Clay MACTs

Q&A

As of October 23, 2007

112(j) - Case by Case MACT section

Does 112(j) apply?

EPA has stated that 112(j) does apply to sources subject to Boiler MACT and the Brick and Clay MACT standards. SC DHEC is waiting for written EPA guidance or notification on 112(j) applicability. SC DHEC plans to notify facilities when it receives this information.

If 112(j) applies, when do I submit the Part 1 application?

Submittal of the Part I application and the trigger date for that submittal will depend on the specific guidance given by EPA. SC DHEC plans to notify facilities when it receives this information.

Can facilities be subject to both the State MACT and 112(j)? If yes, will the State Regulation suffice for 112(j)?

Yes, facilities can be subject to both the State Regulation (R. 61-62.63, Subpart DDDDD) and 112(j). 112(j) may apply due to the vacatur of the federal MACT standards; SC R. 61-62.63 applies as a State-only regulation.

Boiler MACT specific section

SC DHEC granted additional time to existing sources to comply with the State Boiler MACT while stating the emissions reductions still needed to be achieved. What does this mean?

SC DHEC received numerous requests from industry to allow additional time for monitoring and testing. Based on these requests, SC DHEC granted an additional 12 months for facilities to come into compliance with all requirements of the Boiler MACT, with the exception of the emissions reductions. This means requirements such as Startup, Shutdown and Malfunction (SSM) Plans, testing requirements, testing protocols, monitoring systems, parametric monitoring, recordkeeping, notification of compliance status and reports have a revised compliance date of September 13, 2008. "Emissions reductions" means keeping control devices operating.

I have existing boilers and process heaters that are subject to the Boiler MACT, but there are no requirements other than the initial notification, which I already submitted. How does this additional time granted affect these sources?

Many existing sources subject to Boiler MACT have no requirements or no substantive requirements (i.e., initial notification only). Since there were no requirements for SSM

plans, emission limits, operating requirements, testing, monitoring, recordkeeping or reporting, then these sources are already in compliance with Boiler MACT. No additional information is needed, and these sources have no new requirements under the Boiler MACT.

Did new or reconstructed Boiler MACT sources get additional time to comply?

No. New and reconstructed sources were not granted additional time. New and reconstructed sources are required to comply upon startup, and therefore should have already been operating in compliance with Boiler MACT.

The State Regulations require certain reports and notifications to be submitted to EPA as well as to SC DHEC. Do these reports and notifications need to be submitted to EPA?

No. The State Boiler MACT regulation is State-enforceable. Submit all reports and notifications to SC DHEC.

Do I need to continue to comply with conditions in my permit referencing the Boiler MACT?

New and reconstructed sources must meet the Boiler MACT requirements upon startup and thus need to comply with the permit conditions.

Existing sources with permit conditions referencing the Federal Boiler MACT have been given an additional 12 months to comply with the State MACT requirements and therefore do not have to comply with Boiler MACT requirements (unless required to do so in an enforcement order or agreement).

Do I need to request to have my permit modified if it contains Federal Boiler MACT conditions?

You may submit a request to have your Title V Operating Permit or State Construction Permit modified to clarify the applicability and enforceability of Boiler MACT conditions. This request can be done through a minor modification. SC DHEC intends to modify all applicable permits to reflect that these sources are subject to SC R. 61-62.63 requirements. For existing sources, SC DHEC will add clarification to the permit to reflect that an additional 12 months were granted to comply with the State Boiler MACT.

If I do not currently have permit conditions referencing the Boiler MACT, but operate an affected source, do I need to comply with the MACT?

New and reconstructed sources are required to comply upon startup. New and reconstructed sources should comply with the MACT requirements, whether these requirements are specifically outlined in the permit or not.

Existing sources subject to Boiler MACT have been given an additional 12 months to comply with the State Boiler MACT requirements.

How do I certify compliance with Boiler MACT in my Title V annual compliance report prior to September 13, 2008?

New and reconstructed sources: The facility should indicate intermittent or continuous compliance as applies to the subject source's compliance status with the Boiler MACT

requirements in its Title V permit. The facility should note that it is subject to the State Boiler MACT, rather than Federal MACT requirements.

Existing sources: If the source is not in compliance with the Boiler MACT requirements in its Title V permit, the facility should indicate intermittent compliance and note that an additional 12 months were granted to comply with the requirements of the State Boiler MACT.

We plan to request alternative parametric monitoring. Does SC handle these requests or is EPA approval needed?

The State Boiler MACT is state-enforceable. SC DHEC will be handling the approval process for alternative requests at this time.

When a CISWI Definition Rule is finalized, will the state regulation apply to sources that will be subject to the CISWI NSPS?

SC DHEC will review applicable state regulations at such time that relevant federal standards are promulgated and will update you accordingly.

When EPA does issue a new Federal Boiler MACT standard, do both the federal standards and the existing state standard apply? What if the federal requirements are less stringent?

SC DHEC will review applicable state regulations at such time that relevant federal standards are promulgated and will update you accordingly.

Brick and Clay MACT specific section

Do I need to continue to comply with conditions in my permit referencing the Federal MACT standards?

Although the Federal MACT standards have been vacated, SC MACT standards are intact, effective and enforceable. Facilities should continue to comply with these State MACT requirements. SC DHEC intends to modify all applicable permits to reflect that these sources are subject to SC R. 61-62.63 requirements.

If I do not currently have permit conditions referencing the Brick and Clay MACT, but operate an affected source, do I need to comply with the MACT?

Yes. Sources subject to Brick and Clay MACT Standards SC R. 61-62.63, Subparts JJJJ and KKKKK need to continue to comply with MACT whether these requirements are specifically outlined in the permit or not.

How do I certify compliance with the Brick and Clay MACT in my Title V annual compliance report?

The facility should indicate intermittent or continuous compliance as applies to the subject source's compliance status with the State MACT requirements.

We plan to request alternative parametric monitoring. Does SC handle these requests or is EPA approval needed?

The State MACT is State-enforceable. SC DHEC will be handling the approval process for alternative requests at this time.

The State Regulations require certain reports and notifications to be submitted to EPA as well as to SC DHEC. Do these reports and notifications need to be submitted to EPA?

No. The State MACT is state-enforceable. Submit all reports and notifications to the SC DHEC.

Questions or Comments?

All questions and comments should be directed to Liz Basil at basilej@dhec.sc.gov or at 803.898.4126.

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<http://www.scdhec.gov/environment/baq/>

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